

**MAY 23, 2008**

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

ERIC J. SCOTT, )  
)  
Plaintiff, )  
)  
vs. )  
)  
THE CITY OF ROCKFORD, )  
a municipal corporation; OFFICER ROSEMARY )  
MATTHEWS, individually; OFFICER DANIEL )  
BASILE, individually; OFFICER JOSHUA )  
GROVER, individually; OFFICER PAUL )  
GALLAGHER, individually; and OFFICER JUAN )  
TAPIA, individually, )  
)  
Defendants )

Case No.

**08 C 50091**

**JUDGE REINHARD  
MAGISTRATE JUDGE MAHONEY**

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, ERIC J. SCOTT, by and through his attorneys, Rene Hernandez, and the Law Office of Rene Hernandez, P.C. and for his Complaint against the Defendants, THE CITY OF ROCKFORD, a municipal corporation; OFFICER ROSEMARY MATTHEWS, individually; OFFICER DANIEL BASILE, individually; OFFICER JOSHUA GROVER, individually; OFFICER PAUL GALLAGHER, individually; and OFFICER JUAN TAPIA, individually, respectfully states as follows:

**JURISDICTION AND VENUE**

1. This Complaint arises under 42 U.S.C. §1983, the 4<sup>th</sup> Amendment and 14<sup>th</sup> Amendments to the United States Constitution.
2. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §1331 and §1343(a)(3).
3. Venue is properly in this Court pursuant to 28 U.S.C. §1391.

**VIOLATION OF 42 U.S.C. §1983**

4. Plaintiff is a citizen of the United States of America and more specifically, a resident of the City of Rockford, County of Winnebago, State of Illinois.

5. That at all times relevant to this Complaint, the individual Defendants, MATTHEWS, BASILE, GROVER, GALLAGHER AND TAPIA, were duly authorized and acting police officers with the City of Rockford.

6. At all times mentioned here, Defendant, City of Rockford was a municipal corporation of the State of Illinois, and was the employer of the individual Defendants. The City of Rockford provided each of the individual Defendants with an official badge and identification card, which designated and described its bearer as police officer of said city's police department. The City of Rockford is a municipal corporation in whose name the individual Defendants, and each of them, performed all acts and omissions alleged herein.

7. During all times mentioned herein, the individual Defendants and each of them, separately and in concert, acted under color of law, to wit, under color of the statutes, ordinances, regulations, customs and usages of the State of Illinois and the County of Winnebago and the City of Rockford. Each of the individual Defendants here, separately and in concert, engaged in the illegal conduct here mentioned to the injury of Plaintiff and deprived Plaintiff of the rights, privileges, and immunities secured to Plaintiffs by the First and Fourteenth Amendments to the Constitution of the United States and the laws of the United States.

8. That on May 25, 2007, the individual Defendants were on-duty police officers for the City of Rockford Police Department, and their actions were under the

authority and in the scope of employment for said Department; and, also, under color of statutes, ordinances, customs and usage of the State of Illinois, and under United States Civil Rights Code 42 U.S.C. §1983 and under the Fourth and Fourteenth Amendments of the Constitution of the United States.

9. Plaintiff, ERIC J. SCOTT, is suing the Defendants in his individual capacity.

10. That on or about the early morning hours of May 25, 2007, the individual Defendants, while on duty under color of law, stopped and detained the Plaintiff and subsequently charged him with Disobeying a Traffic Signal, Illegal Squealing of Tires, Driving Under the Influence, Fleeing to Avoid and Resisting Arrest, and he was then and there placed in police custody and care.

11. That the individual Defendants, without provocation or just cause, did undertake one or more of the following wrongful acts while Plaintiff was in his seizure, care, or custody in intentional and reckless disregard of Plaintiff's constitutional rights:

- a) Threw Plaintiff to the ground and slammed his head into the pavement; and/or;
- b) Used a knee to force Plaintiff's head down into the ground.

12. That as a direct and proximate result of the above wrongful described conduct of the Defendants, the Plaintiff had damage to and suffered injuries of the head, face, and more specifically, cuts and abrasions, as well as a broken nose and fractured skull. The Plaintiff has further incurred severe physical pain and suffering; the Plaintiff had to go to the hospital; the Plaintiff has undergone treatments for his injuries; and the

Plaintiff has expended, and will continue to expend in the future, large sums of money for hospital and medical services to become healed and cured of his aforesaid injuries.

13. That by reason of the foregoing wrongful conduct of the Defendants, the Plaintiff has been deprived of his liberty, health, and property as aforesaid without due process or equal protection of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States of America, and in violation of 42 U.S.C. §1983.

14. That said conduct of the Defendants was performed intentionally and with reckless disregard of Plaintiff's constitutional and civil rights by reason of which the Plaintiff is entitled to an award of punitive damages.

WHEREFORE, Plaintiff, ERIC J. SCOTT, prays that this Court grant the following relief:

A. Award compensatory damages against the Defendants, jointly and severally, in favor of the Plaintiff in a sum exceeding One Hundred Thousand (\$100,000.00) Dollars;

B. Award exemplary and punitive damages against the Defendants, jointly and severally, in favor of the Plaintiff in a sum exceeding One Hundred Thousand (\$100,000.00) Dollars;

C. Award judgment against the CITY OF ROCKFORD, a municipal corporation of the State of Illinois, for a sum in the amount of any judgment that may be rendered against the individual Defendants, OFFICER ROSEMARY MATTHEWS, OFFICER DANIEL BASILE, OFFICER JOSHUA GROVER, OFFICER PAUL GALLAGHER and OFFICER JUAN TAPIA, under this complaint;

D. For a joint and several judgment against the CITY OF ROCKFORD, a municipal corporation in the State of Illinois, and the Defendants, OFFICER ROSEMARY MATTHEWS, OFFICER DANIEL BASILE, OFFICER JOSHUA GROVER, OFFICER PAUL GALLAGHER and OFFICER JUAN TAPIA, in a sum exceeding Two Hundred Thousand (\$200,000.00) Dollars;

E. Award court costs and reasonable attorney fees to the Plaintiff attendant to the litigation of this lawsuit pursuant to 42 U.S.C. §1988; and

F. For such other and further relief as this Court deems equitable and just.

**PLAINTIFF DEMANDS TRIAL BY JURY OF THIS CAUSE**

ERIC J. SCOTT, Plaintiff,

BY: /s/ Rene Hernandez  
Rene Hernandez  
Attorney for Plaintiff

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